

NO. 86-1710

Supreme Court, U.S.

FILED

JUN 16 1987

JOSEPH F. SPANIOL, JR.
CLERK

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1986

WILLIAM WARD KNAPP, Petitioner,

v.

THE STATE OF ARIZONA, Respondent.

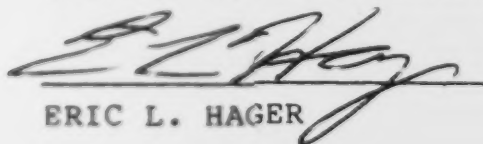
SUPPLEMENTAL APPENDIX TO PETITION FOR A WRIT
OF CERTIORARI TO THE
ARIZONA COURT OF APPEALS, DIVISION TWO

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Counsel for Petitioner


ERIC L. HAGER

June 5, 1987

602

IN THE COURT OF APPEALS

STATE OF ARIZONA

DIVISION TWO

THE STATE OF ARIZONA,)	
)	
Appellee,)	NO. 2 CA-CR 4377
)	Department B
vs.)	
)	(PIMA County
)	Superior Court
WILLIAM WARD KNAPP,)	NO. CR-15791
)	
Appellant.)	<u>ORDER</u>
)	

The above-entitled matter was duly submitted to the Court. The Court has this day rendered its MEMORANDUM DECISION.

IT IS ORDERED that the MEMORANDUM DECISION be filed by the Clerk.

IT IS FURTHER ORDERED that a copy of this order together with a copy of the MEMORANDUM DECISION be sent to each party appearing herein or the attorney for such party and to the Honorable Harry Gin, Judge, Pima County Superior Court.

DATED this 23rd day of July, 1986.

/s/ JOSEPH M. LIVERMORE
Joseph M. Livermore
Presiding Judge



2 CA-CR 4377

Page Two

The foregoing directives were complied with July 23, 1986, by mailing the required to:

Honorable Robert K. Corbin
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1275 West Washington
Phoenix, Arizona 85007

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IN THE COURT OF APPEALS

STATE OF ARIZONA

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THE STATE OF ARIZONA,)

Appellee,)

vs.)

WILLIAM WARD KNAPP,)

Appellant.)

NO. 2 CA-CR 4377
Department B

(PIMA County
Superior Court
NO. CR-15791)

MEMORANDUM DECISION
Not for Publication
Rule 111, Rules of
the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-15791

Honorable Harry Gin, Judge

AFFIRMED

Robert K. Corbin, The Attorney General
by Bruce M. Ferg

Tucson

Attorneys for Appellee

Bouschor & Hager
by Eric L. Hager

Tucson

Attorneys for Appellant

L I V E R M O R E, Presiding Judge.

A maid cleaning a Tucson motel room discovered a large quantity of wrapped marijuana in the bathtub. She notified the motel manager who, in turn, called the police. The officers, with the consent of the manager, entered the motel room, saw the marijuana, and then left the room and began surveillance of it. About an hour later, defendant drove up, emptied suitcases in the back of his car, and, with the empty suitcases, entered the room. He came out shortly thereafter with full suitcases and drove away. He was stopped and arrested. All these facts were reported to a magistrate, a search warrant was obtained, and the marijuana was seized from the suitcases. Convicted of transportation of marijuana, defendant's sole argument on appeal is that the marijuana should have been suppressed. We affirm.

The parties are agreed that if the information, apart from the observations of the officers within the motel room,



provided probable cause, then the warrant and resulting seizure were valid. State v. Martin, 139 Ariz. 466, 679 P.2d 489 (1984). The information provided by the maid was in itself sufficient to establish probable cause. State v. Diffenderfer, 120 Ariz. 404, 586 P.2d 653 (App. 1978). The observations of the officers outside the motel room were sufficient to establish probable cause that the marijuana had been transferred to suitcases within the car. That the marijuana ultimately seized was seen during the entry of the motel room is immaterial. United States v. Merriweather, 777 F.2d 503 (9th Cir. 1985) United States v. Moscatiello, 771 F.2d 589 (1st Cir. 1985).

Affirmed.

/s/ Joseph M. Livermore
JOSEPH M. LIVERMORE
Presiding Judge

CONCURRING:

/s/ Ben C. Birdsill
BEN C. BIRDSALL, Judge

/s/ Michael A. Lacagnina
MICHAEL A. LACAGNINA, Judge